

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Notification Requirements and Reportable Quantity List
(LAC 33:I.3905, 3919, 3925, and 3931) (OS078)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Office of the Secretary regulations, LAC 33:I.3905, 3919, 3925, and 3931 (Log #OS078).

This proposed rule modifies the table of reportable quantities (RQs) in LAC 33:I.3931 to retain RQs for the highly reactive volatile organic compounds (HRVOC) ethylene, propylene, and combinations of ethylene and propylene or "total" HRVOC. RQs are added for some toxic air pollutants (TAPs) and revised for other TAPs. The department has reviewed new information concerning the frequency and amounts of HRVOC unauthorized discharges and will retain the current RQs for ethylene, propylene, and combinations of ethylene and propylene. The RQs for the other HRVOCs will return to their previous values. The rule will clarify LAC 33:I.3919 regarding the timing for notification of unauthorized discharges related to groundwater contamination, and provide for submittal of periodic update reports concerning unauthorized discharges in which an ongoing investigation is being conducted until the investigation is completed and the required information is submitted. Based on comments received, the rule will incorporate the unauthorized discharge reporting requirements currently in LAC 33:III.5107.B into LAC 33:I.Chapter 39, thereby streamlining reporting requirements and removing duplicative reporting language from the regulations. In order to complete this streamlining process, some TAP RQs are added to the table at LAC 33:I.3931, and some TAP RQs in the table are lowered. The definition of groundwater is being modified to ensure consistency throughout the Environmental Quality regulations. The basis and rationale for this proposed rule are to update the RQs in the regulations, streamline existing requirements, and provide for submittal of periodic update reports concerning unauthorized discharges.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on June 26, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Parking in the Galvez Garage is free with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by OS078. Such comments must be received no later than July 3, 2007, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS078. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel

Title 33
ENVIRONMENTAL QUALITY
Part I. Office of the Secretary

Subpart 2. Notification

Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges

Subchapter A. General

§3905. Definitions

A. The following terms as used in these regulations, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings.

Groundwater—water located beneath the ground surface or below a surface water body in the a saturated zone or stratum beneath the land surface.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2204(A), and 2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2442 (November 2000), amended by the Office of Secretary, Legal Affairs Division, LR 33:

Subchapter C. Requirements for Prompt Notification

§3919. Notification Requirements for Unauthorized Discharges with Groundwater Contamination Impact

A. In the event that any unauthorized discharge results in the contamination of the groundwaters of the state or otherwise moves in, into, within, or on any saturated subsurface strata, the discharger shall ~~promptly~~ notify the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, within seven days ~~in accordance with LAC 33:I.3923.~~

B. Dischargers ~~are not relieved from any requisite~~ shall submit written notification ~~procedures in accordance with~~ LAC 33:I.3925 or of any permit or license terms and conditions issued under the Louisiana Environmental Quality Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2076(D), 2183(I), and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), repealed LR 19:1022 (August 1993), repromulgated and amended LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), LR 30:1668 (August 2004),

amended by the Office of the Secretary, Legal Affairs Division, LR 31:2434 (October 2005), LR 33:**.

Subchapter D. Notification Procedures

§3925. Written Notification Procedures

A. - A.2. ...

3. For information required by Subsection B of this Section that is not available at the time of submittal of the written notification report due to an ongoing investigation, updates of the status of the ongoing investigation of the unauthorized discharge shall be submitted every 60 days until the investigation has been completed and the required information has been submitted.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C) and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), LR 30:1669 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2434 (October 2005), LR 33:**.

Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges

§3931. Reportable Quantity List for Pollutants

A. - A.2. ...

B. Modifications or Additions. The following table contains modifications to the federal reportable quantity lists incorporated by reference in Subsection A of this Section, as well as reportable quantities for additional pollutants. If a pollutant is listed with more than one reportable quantity, the lower-value reportable quantity shall be used.

Pollutant	Synonym	CAS No. ¹	RCRA ² Waste Number	Pounds
Acetaldehyde	Acetic aldehyde	75070	U001	100 ⁺ 700
Acrylamide	Acrylic amide	79061	U007	25 ⁶
Acrylic acid	Acroleic acid, propene acid	79107		400 ⁶
Acrylonitrile		107131	U009	35 ⁶
Allyl chloride	3-Chloropropene	107051		1000/10 [@]
Aniline	Aminobenzene	62533	U012	5000/ 600 1000 [@]
Antimony*		7440360		5000/ 38 100 [@]
Antimony compounds		20008		100/38 [@]
Barium*		7440393		100/38 [@]
Barium compounds		20020		100/38 [@]
Biphenyl	1,1-biphenyl, xenene	92524		98 ⁶
Butenes (all isomers)		2516 7673		100 ⁺
n-Butyl alcohol	1-Butanol	71363	U031	5000/1000 [@]

Pollutant	Synonym	CAS No. ¹	RCRA ² Waste Number	Pounds
Carbonic dichloride	Phosgene	75445	P095	10/1 [@]
Chlorinated dibenzo furans, all isomers				1/1 [@]
<u>Chlorinated dibenzo-p-dioxins, TCDD and OCDD isomers</u>				1 ⁶
Chlorine dioxide	Chlorine oxide	10049044		1
<u>Chlorobenzene</u>	<u>Benzene chloride</u>	<u>108907</u>	<u>U037</u>	25 ⁶
Chromium ³ *		7440473		5000/25400 [@]
Chromium compounds		20064		100/25 [@]
Copper ³		7440508		5000/25400 [@]
Copper compounds		20086		25400
Cumene	Isopropyl benzene	98828	U055	5000/1000 [@]
<u>1,2-Dichloroethane</u>	<u>Ethylene dichloride, EDC</u>	<u>107062</u>	<u>U077</u>	49 ⁶
<u>Dichloromethane</u>	<u>Methylene chloride, DCM</u>	<u>75092</u>	<u>U080</u>	540 ⁶
Ethyl acrylate	2-Propenoic acid, ethyl ester	140885	U113	1000/10 [@]
Ethylene	Ethene	74851		5000 [#] or 100 ⁺
Glycol ethers **				100
Hexane	Hexyl hydride	110543		5000/1000 [@]
Hydrogen chloride	Hydrochloric acid	7647010		5000/5004000 [@]
Hydrogen fluoride	Hydrofluoric acid	7664393	U134	100/10 [@]
<u>Maleic anhydride</u>	<u>cis-Butenedioic anhydride</u>	<u>108316</u>	<u>U147</u>	70 ⁶
Manganese*	Colloidal manganese	7439965		100/75 [@]
Manganese compounds				100/75 [@]
Methyl acrylate	2-Propenoic acid methyl ester	96333		10
Methyl ethyl ketone (MEK)	2-Butanone	78933	U159	5000/1000 [@]
Methyl isobutyl ketone	4-Methyl-2-pentanone	108101	U161	5000/1000 [@]
Methylmercaptan	Methanethiol	74931	U153	100/25 [@]
Methyl methacrylate	2-Methylacrylic acid methyl ester	80626	U162	1000/100 [@]
Methylene diphenyl diisocyanate	Methylene bisphenyl isocyanate	101688		1000
<u>Nickel</u>		<u>7440020</u>		25 ⁶
<u>Nickel compounds</u>				25 ⁶
Nitric acid	Hydrogen nitrate	7697372		1000/100 [@]
<u>Nitrobenzene</u>	<u>Nitrobenzol</u>	<u>98953</u>	<u>U169</u>	400 ⁶
Oil				1 barrel
Phthalic anhydride	1,3-Isobenzofurandione	85449	U190	5000/4004000 [@]
Polynuclear aromatic hydrocarbons ***				1
Produced water				1 barrel
Propionaldehyde	Propionic aldehyde	123386		1000/100 [@]

Pollutant	Synonym	CAS No. ¹	RCRA ² Waste Number	Pounds
Propylene	Propene	115071		100 [†]
<u>Selenium</u>		<u>7782492</u>		<u>25⁶</u>
<u>Sulfur dioxide</u>				<u>500</u>
<u>Sulfuric acid</u>		<u>7664939</u>		<u>75⁶</u>
Sweet pipeline gas (Methane/Ethane)				42000 (1,000,000 scf)
<u>Toluene</u>	<u>Methyl benzene</u>	<u>108883</u>	<u>U220</u>	<u>100[†]</u>
<u>Toluene-2,4-diisocyanate</u>		<u>584849</u>	<u>U223</u>	<u>25⁶</u>
<u>Toluene-2,6-diisocyanate</u>		<u>91087</u>	<u>U223</u>	<u>25⁶</u>
Vinyl acetate	Vinyl acetate monomer	108054		5000/100 [@]
<u>Zinc</u>		<u>7440666</u>		<u>200⁶</u>
<u>Zinc compounds</u>				<u>200⁶</u>
Volatile organic compounds not otherwise listed ⁴				5000
Only those highly reactive volatile organic compounds listed below: acetaldehyde ; butenes (all isomers); ethylene; <u>and</u> propylene; toluene ; xylene (all isomers) ; <u>and/or isoprene</u> ⁵				100 [†]
F003 The following spent non- halogenated solvents and the still bottoms from the recovery of these solvents:			F003	100
Methyl isobutyl ketone		108101		5000/1000 [@]
n-Butyl alcohol		71363		5000/1000 [@]
F005 The following spent non- halogenated solvents and the still bottoms from the recovery of these solvents:			F005	100
Methyl ethyl ketone		78933	U159	5000/1000 [@]

* No reporting of releases into the ambient air of this metal is required if the diameter of the pieces of solid metal released is equal to or exceeds 100 micrometers (0.004 inches).

** The ~~combined~~ emissions of ~~all~~ glycol ethers in one of the following three categories shall be totaled to determine if a reportable quantity has been exceeded.

1. Glycol ethers with an RQ of 100 refer only to the following compounds and not the general class of compounds: ethylene glycol monomethyl ether (CAS Number 109864), ethylene glycol monomethyl ether acetate (CAS Number 110496), ethylene glycol monoethyl ether (CAS Number 110805), ethylene glycol monoethyl ether acetate (CAS Number 111159), diethylene glycol dimethyl ether (CAS Number 111966), and ethylene glycol dimethyl ether (CAS Number 110714).

2. The federal RQ applies to any other mono- or di-ether of ethylene glycol, diethylene glycol, or triethylene glycol: R(OCH₂CH₂)_n-OR', where, n=1, 2, or 3; R = alkyl or aryl groups; and R' = R, H, or any group

which, when removed, yields glycol ether with the structure: $R(OCH_2CH_2)_n-OH$. Polymers are excluded from the glycol ether category.

3. For all other glycol ethers there is no RQ assigned.

*** The ~~combined~~ emissions of all Polynuclear Aromatic Hydrocarbons (PAHs), excluding any PAHs otherwise listed, shall be totaled to determine if a reportable quantity has been exceeded.

¹ Chemical Abstracts Service Registry Number.

² Resource Conservation and Recovery Act of 1976, as amended.

³ Prompt notification of releases of massive forms of these substances is not required if the diameter of the pieces of the substance released is equal to or exceeds 100 micrometers (0.004 inches).

⁴ The ~~combined~~ emissions of all volatile organic compounds (VOCs), excluding any VOCs otherwise listed, shall be totaled to determine if a reportable quantity has been exceeded. VOC is defined in LAC 33:III.111, and exempt compounds are listed in LAC 33:III.2117.

⁵ The ~~combined~~ emissions of these highly reactive VOCs shall be totaled to determine if an RQ has been exceeded.

⁶ Only emissions to the atmosphere are applicable.

@ The first RQ listed denotes the reportable quantities that will apply to unauthorized emissions based on total mass emitted into or onto all media within any consecutive 24-hour period. The second RQ listed denotes the reportable quantities that will apply to unauthorized emissions based on total mass emitted into the atmosphere.

† The RQ listed denotes the reportable quantities that will apply to unauthorized emissions based on total mass emitted into the atmosphere for facilities in the following parishes: Ascension, East Baton Rouge, Iberville, Livingston, West Baton Rouge, St. Charles, St. James, St. John the Baptist, Pointe Coupee, and West Feliciana.

RQ for the state except the following parishes: Ascension, East Baton Rouge, Iberville, Livingston, West Baton Rouge, St. Charles, St. James, St. John the Baptist, Pointe Coupee, and West Feliciana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), 2204(A), and 2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Office of the Secretary, LR 24:1288 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:751 (April 2004), LR 30:1669 (August 2004), amended by the Office of Environmental Assessment, LR 31:919 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:603 (April 2006), LR 32:2248 (December 2005), LR 33:640 (April 2007), LR 33:**.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

LOG #: OS078

Person
Preparing
Statement: James Orgeron Dept.: Environmental Quality

Phone: 225-219-3578 Office: Environmental Assessment

Return
Address: P.O. Box 4314 Rule Title: Notification and Reportable
Baton Rouge, LA 70821-4314 Quantities List Updates
(LAC 33:I.3905, 3919, 3925,
and 3931)

Date Rule
Takes Effect: Upon Promulgation

SUMMARY

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no expected implementation costs or savings to state or local governmental units by the proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units by the proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule revision may result in some increase in reporting workload and costs for affected facilities due to the addition of approximately 30 toxic air pollutants to the reportable quantity (RQ) table at LAC 33:I.3931.

Based upon the number of RQ decreases in the table at LAC 33:I.3931 and a review of the amounts of the toxic air pollutants that are routinely emitted statewide per the Toxics Emissions Data Inventory (TEDI), it is estimated that approximately 10 of the 30 RQ decreases may cause an increase in reporting. The department estimates a total cost to all affected facilities of less than \$100,000 for increased reporting.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The owners or operators of facilities that use or produce any of the 30 or so toxic air pollutants, who maintain their facilities and minimize unauthorized discharges, may gain a very slight advantage over their competitors who do not.

Signature of Agency Head or Designee

Legislative Fiscal Officer or Designee

Herman Robinson, CPM, Executive Counsel
Typed Name and Title of Agency Head or Designee

Date of Signature

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule includes the following revisions to LAC 33:I.Chapter 39:

- Modifies the table of reportable quantities (RQs) in LAC 33:I.3931 to retain special RQs for the highly reactive volatile organic compounds (HRVOC) ethylene, propylene, and combinations of ethylene and propylene or "total" HRVOC. Also adds RQs for some toxic air pollutants (TAPs) and revises the current RQs for some other TAPs.
- Clarifies LAC 33:I.3919 regarding the timing for notification of unauthorized discharges related to groundwater contamination.
- Provides in LAC 33:I.3925 for submittal of periodic update reports concerning unauthorized discharges in which an ongoing investigation is being conducted, until the investigation is completed and required information is submitted.
- Revises groundwater definition to be consistent with other media.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The department has reviewed new information concerning the frequency and amounts of HRVOC unauthorized discharges and proposes to retain the RQs for the compounds of special interest, ethylene, propylene, and combinations of ethylene and propylene. The RQs for the other HRVOCs, acetaldehyde, butenes, and toluene, will return to their previous values.

Based upon comments received, the department proposes to incorporate the unauthorized discharge reporting requirements currently in LAC 33:III.5107.B into LAC 33:I.Chapter 39, thereby streamlining reporting requirements and removing duplicative reporting language from the regulations. In order to complete this streamlining process, some TAP RQs will be added to the table at LAC 33:I.3931, and some TAP RQs will be lowered from current values.

The proposed revision to LAC 33:I.3925 will ensure that the department receives periodic reports regarding unauthorized discharges that are under an ongoing investigation by the facility until the complete requisite information has been submitted.

The proposed revision to the definition of groundwater will ensure consistency in the regulations across media.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session
(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No increase of expenditures is expected.

(2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

- (a) ____ Yes. If yes, attach documentation.
(b) ____ No. If no, provide justification as to why this rule change should be published at this time.

This question is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 06-07	FY 07-08	FY 08-09
PERSONAL SERVICES			
OPERATING EXPENSES			
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT			
TOTAL	0	0	0
MAJOR REPAIR & CONSTR.			
POSITIONS (#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The proposed rule should not result in any increase or decrease in costs to implement the proposed action.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 06-07	FY 07-08	FY 08-09
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
DEDICATED			
FEDERAL FUNDS			
OTHER (Specify)			
TOTAL	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The agency has sufficient funds to implement the proposed rule.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There should be no impact from the proposed action on the local governmental units.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

This question is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 06-07	FY 07-08	FY 08-09
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
RESTRICTED FUNDS*			
FEDERAL FUNDS			
LOCAL FUNDS			
TOTAL	0	0	0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

This question is not applicable.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

Any facility that emits to the atmosphere toxic air pollutants listed in LAC 33:III.5112. Table 51.1 would be directly affected by the proposed action.

The proposed rule revision may result in some increase in reporting workload and costs for affected facilities due to the addition of approximately 30 toxic air pollutants to the RQ table at LAC 33:I.3931.

To estimate the costs of increased reporting, the department reviewed all of the unauthorized events notifications due to releases of toxic pollutants for calendar year 2006. This review included reports from facilities affected and not affected by Chapter 51. Thirty-one (31) reports of unauthorized releases of toxic air pollutants were identified. The estimated cost for the increased reporting would be approximately \$100,000 based upon use of the following assumptions: 1) the number of reports submitted during 2006 is representative of future reporting; 2) the cost of reporting is estimated at \$1,000 per report; and 3) the number of reports submitted triples because reportable quantities for some 30 air toxics are lowered.

Based upon the number of RQ decreases in the table at LAC 33:I.3931 and a review of the amounts of the toxic air pollutants that are routinely emitted statewide per the Toxics Emissions Data Inventory (TEDI), it is estimated that approximately 10 of the 30 RQ decreases may cause an increase in reporting. The department estimates a total cost to all affected facilities of less than \$100,000 for increased reporting.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

The net income of facilities, which experience an increase in reporting, will be reduced.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The owners or operators of facilities that use or produce any of the 30 or so toxic air pollutants, who maintain their facilities and minimize unauthorized discharges, may gain a very slight advantage over their competitors who do not.